

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

JAMES E. KENNEDY,)	
)	
Plaintiff,)	4:06CV3167
)	
v.)	
)	
HEARTLAND COOP,)	ORDER
)	
Defendant.)	
)	

Upon consideration of the plaintiff's motion for leave to file a Third Amended Complaint,

IT IS ORDERED:

1. The motion, filing 35, is granted, and the Third Amended Complaint shall be filed forthwith.

2. The filing of the Third Amended Complaint shall relate back to the date of the filing of the original complaint, as provided in the court's order of October 31, 2006, filing 19.

3. Unless otherwise ordered, the pending motion to dismiss, filing 28, shall be deemed to address the Third Amended Complaint.

DATED this 30th day of January, 2007.

BY THE COURT:

s/ *David L. Piester*

David L. Piester
United States Magistrate Judge